

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WILLIAM HAWKINS, on behalf of himself )  
and all others similarly situated, )

Plaintiff, )

v. )

Civil Action No. 08- 55-GMS

DAMON'S INTERNATIONAL INC. d/b/a )  
DAMON'S GRILL; PRIS-MM, LLC d/b/a )  
DAMON'S GRILL WILMINGTON; and )  
ALLIANCE DEVELOPMENT GROUP, LLC )

CLASS ACTION

Defendants. )  
)  
)

**AFFIDAVIT OF SERVICE**

STATE OF DELAWARE :

: ss

NEW CASTLE COUNTY :

J. CLAYTON ATHEY being duly sworn according to law deposes and says:

1. I am an attorney with the law firm of Prickett, Jones & Elliott, P.A., and counsel to plaintiff William Hawkins in this action.

2. Pursuant to 10 *Del. C.* § 3104, I caused service to be made upon the defendant Damon's International Inc. d/b/a Damon's Grill, by serving the Summons and a copy of the Complaint upon the Secretary of State for the State of Delaware on January 28, 2008. On January 29, 2008, I filed the Return of Service on the Secretary of State with this Court. (D.I. 4)

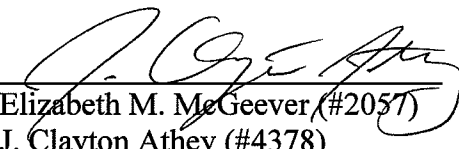
3. On February 5, 2008, I caused to be mailed to Damon's International Inc. d/b/a Damon's Grill, a registered letter explaining that service of process on the Secretary of State was as effectual as if personal service had been made on the corporation and transmitted with that letter copies of the Complaint, Summons and related suit papers showing that service had, in

fact, been made upon the Delaware Secretary of State. A copy of that letter and the receipt showing that the letter was mailed is attached hereto as Exhibit A.

4. On February 22, 2008, I received in the mail the signed Return Receipt form indicating that the February 5, 2008 mailings had been accepted. A copy of the Return Receipt form is attached hereto as Exhibit B.

PRICKETT, JONES & ELLIOTT, P.A.

By:

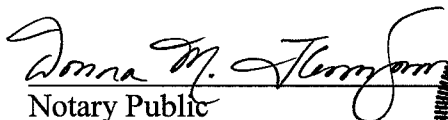
  
Elizabeth M. McGeever (#2057)  
J. Clayton Athey (#4378)  
1310 King Street, P.O. Box 1328  
Wilmington, DE 19899-1328  
emmcgeever@prickett.com  
jcathey@prickett.com  
Ph: (302) 888-6500  
*Counsel for Plaintiff and the Proposed  
Classes*

OF COUNSEL:

Sherrie R. Savett  
Michael T. Fantini  
Jon Lambiras  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: (215) 875-3000

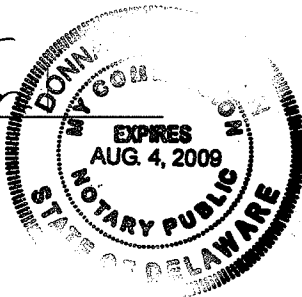
Dated: February 22, 2008

SWORN AND SUBSCRIBED before me  
this 22nd day February, 2008.

  
Notary Public

My Commission Expires

DONNA M. THOMPSON  
New Castle County  
My Commission Expires Aug. 4, 2009



**Exhibit A**

**PRICKETT, JONES & ELLIOTT**

A PROFESSIONAL ASSOCIATION

**1310 KING STREET, BOX 1328**

**WILMINGTON, DELAWARE 19899**

**TEL: (302) 888-6500**

**FAX: (302) 658-8111**

**<http://www.prickett.com>**

Dover Office:

11 NORTH STATE STREET

DOVER, DELAWARE 19901

TEL: (302) 674-3841

FAX: (302) 674-5864

Writer's Direct Dial:  
(302)888-6507  
Writer's Telecopy Number:  
(302)658-8111  
Writer's E-Mail Address:  
JCATHEY@prickett.com

February 5, 2008

**VIA REGISTERED MAIL**

Damon's International Inc.  
c/o Bruce H. Burkholder, Esq., Agent for Service of Process  
Wiles, Boyle, Burkholder & Bringardner & Co.  
300 Spruce Street, Floor One  
Columbus, OH 43215

**RE: WILLIAM HAWKINS v. DAMON'S INTERNATIONAL INC.,  
d/b/a/ DAMON'S GRILL et al., Civil Action No. 08-55**

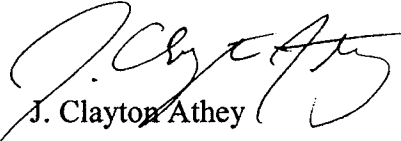
Dear Mr. Burkholder:

This letter constitutes notice pursuant to 10 Del. C. §3104 that suit has been instituted against Damon's International Inc., in the United States District Court for the District of Delaware.

Please be advised that the Summons and Complaint have been served upon the Secretary of State of the State of Delaware. Under the provisions of 10 Del. C. §3104, this service is effective for all intents and purposes as if it had been made upon Damon's International Inc., personally within this State.

Enclosed is a copy of the Summons and Complaint as served on the Secretary of State on January 28, 2008, which explains the basis of the lawsuit.

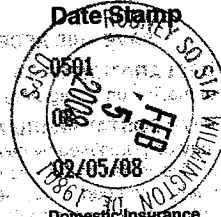
Very truly yours,

  
J. Clayton Athey

JCA/sam  
Enclosures

Registered No. RR366016525U5

To Be Completed By Post Office	Reg. Fee \$	9.50	Special Delivery \$	
	Handling Charge \$	10.00	Return Receipt \$	2.75
	Postage \$	1.31	Restricted Delivery \$	0.00
	Received by	De		



To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	Customer Must Declare Full Value \$	10.00	<input type="checkbox"/> With Postal Insurance
			<input checked="" type="checkbox"/> Without Postal Insurance

Domestic Insurance Is Limited To \$25,000; International Indemnity Is Limited (See Reverse)

FROM	J. CLAYTON ATHEY, ESQ.
	PRICKETT JONES
	1310 KING ST. WILM. DE
	DAMON'S INT'L. CO BRUCE
TO	BURKHOLDER, ESQ.
	WILM. DE 300 SPRUCE ST.

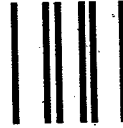
PS Form 3806, February 1995 Redeipt for Registered Mail (Customer Copy) (See Information on Reverse)

COLUMBUS, OH 43215

**Exhibit B**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Damon's International Inc.  c/o Bruce Burkholder, Esq.  Agent for Service of Process  Wiles, Boyle, Burkholder  300 Spruce St., Fl. One  Columbus, OH 43215</p>		<p>B. Received by (Printed Name)  SHEARSONS</p> <p>C. Date of Delivery  FEB 20 2008</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>PS Form 3811, February 2004</p>		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>RR 366 016 525 US</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Domestic Return Receipt</p>		<p>102595-02-M-1540</p>	

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

J. CALYTON ATHEY, ESQ.  
PRICKETT, JONES & ELLIOTT, P.A.  
1310 KING STREET, BOX 1328  
WILMINGTON, DE 19899

